IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.449 OF 2007

Krishna V.Shetty, .. Petitioner.
Vs
The State of Maharashtra & ors. .. Respondents.

Mr N.Quadar Milwalla, for the petitioner.
Mr M.S.Mhambre, APP for the respondents.

CORAM : SMT.RANJANA DESAI & D.B.BHOSALE,JJ.
DATED : 25th JUNE, 2007

P.C.:

1. The petitioner seeks release on parole on the ground that he wants to collect money to pay fine amount so that he does not have to undergo the default sentence. We have heard the learned counsel for the petitioner and the learned APP for the respondents. The petitioner, relying upon the judgment of Delhi High Court in Hori Lal Vs. State - 1997 Cri.L.J.821, submitted that powers of this court under Article 226 are wide and the bar created under section 32-A of the Narcotic Drugs and Psychotropic Substances Act does not affect or curtail the powers of the High Court to release a person on parole. The learned APP, on the other hand, pointed out that the petitioner is not entitled to be released on parole in view of Rule 19 of the Prison (Bombay Furlough and Parole) Rules, 1959. Having perused Rule 19, we are of the opinion that the petitioner cannot be released on parole. He does not fall in the category carved out by Rule 19. Hence, the petition is rejected.

(D.B.BHOSALE,J.) (SMT.RANJANA DESAI,J.)